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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

CUSTOM APPLICATION NO. 5 OF 2000

Joginder Nath Mehra ... Applicant

Versus

The Commissioner of Customs
(Imports). ... Respondent

ALONG WITH
CUSTOM APPLICATION NO. 6 OF 2000

Ajay Mehra ... Applicant

Versus

The Commissioner of Customs
(Imports) .. Applicant

ALONG WITH
CUSTOMS APPLICATION NO. 7 OF 2000

Tilak Raj Mehra ... Applicant

Versus

Commissioner of Customs (Imports)... Respondent

Mr. V. Sridharan with Mr. Prakash Shah & Mr. Gajendra Jain for Applicants.

Mr.P.S. Jetley with Mr. A.S. Rao and M. Y.R. Mistry for Respondents.

CORAM: F.I. REBELLO &
R.M. SAVANT,JJ.
DATED: MARCH 15, 2007

P.C.:

. On behalf of the Respondents the learned counsel draws our attention to Section 130A of the Customs Act, 1962 in the context of the petitions which are pending before this court. The Customs Applications

cover the same subject matter as Writ Petition. The relief in the Petition according to learned counsel for the Petitioner is wider than as sought for in the said Customs Applications. The orders passed on 17.4.2001 are impugned. Writ Petition No. 810 of 2001 along with Writ Petition No. 811 of 2001, along with Writ Petition No. 812 of 2001, along with Writ Petition No. 313 of 2001 and Writ Petition No. 814 of 2001 were admitted on 17.4.2001. Respondents contend that once application was filed under Section 130A, the Writ Petitions are not maintainable. We do not find that liberty had been granted to the respondents to raise the issue of alternate remedy at the stage of final hearing as they were heard when the writ petitions were admitted. In fact on 9.2.2005 another Bench of this court had set out that Customs Applications are to be heard along with Writ Petitions.

. Considering that the issue involved in the Customs Applications is covered by the Writ Petitions, the learned counsel for the applicants seeks leave to withdraw the applications to pursue the Writ Petitions.

. Custom Applications dismissed as withdrawn with liberty as prayed for.

(R.M. SAVANT,J.) **(F.I.REBELLO, J.)**